



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

FOR IMMEDIATE RELEASE: May 11, 2006

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\$275,000 SETTLEMENT IN CONSUMER PROTECTION ACTION AGAINST MAKER OF AbGONE DIET PILL

San Diego, CA: City Attorney, Michael Aguirre, in conjunction with the District Attorneys of Napa, Orange, Sonoma and Solano counties, obtained a \$275,000 settlement in a consumer protection action against Suarez Corporation Industries (SCI), sellers of the widely distributed AbGONE diet product.

The settlement was finalized after prosecutors obtained a court order against SCI ordering it, by March 1, 2006, to stop selling a previously manufactured formulation of the product, some of which remained in stores, or warn consumers that the product contains lead. The order was issued under the authority of the state's unfair competition law and Proposition 65- the voter passed initiative requiring warnings for products containing dangerous chemicals.

"California voters made it clear they want to be warned about exposures to harmful chemicals," said City Attorney Michael Aguirre. "This action is a warning to violators we will vigorously enforce that law."

The case, *People v. Suarez Corporation Industries*, SCV 237654, was filed in Sonoma County Superior Court, and alleged that SCI, in addition to violating Proposition 65, also engaged in false advertising relating to weight loss claims made in newspaper ads, on the Internet and on the product label.

According to San Diego Deputy City Attorney Steven Gold, Consumer Environmental Protection Unit, under the settlement, SCI, without admitting fault or liability, paid \$150,000 in civil penalties and \$125,000 to cover the prosecuting agencies' investigative costs. In addition to the monetary payment, the settlement, approved by the court, includes an injunction prohibiting SCI from selling the original formulation of AbGONE and from making or disseminating any false or misleading statements concerning any dietary supplement marketed or sold by SCI in California.

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